

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

DEWAYNE TODD CANNADY,

Plaintiff,

vs.

MARTIN FRINK, THERESA
SCHNEE, CHRISTOPHER ROST, and
CORRECTIONS CORPORATION OF
AMERICA,

Defendants.

CV-14-28-GF-BMM

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS**

United States Magistrate Judge Keith Strong entered Findings and Recommendation (Doc. 33) in this matter on August 14, 2014. Plaintiff filed no objections. When a party makes no objections, the Court need not review *de novo* the proposed findings and recommendation. *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986). This Court will review Judge Strong's Findings and Recommendation, however, for clear error. *McDonnell Douglas Corp. v. Commodore Business Machines Inc.*, 656 F.2d 1309, 1313 (9th Cir.1981).

Judge Strong recommended that Defendants' motion for summary judgment be granted due to Plaintiff's failure to exhaust the available administrative remedies

for his claims. I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

Corrections Corporation of America (CCA) produced a complete copy of Cannady's grievance file. Doc. 30 at p. 5. Cannady's alleged injury took place on November 8, 2012. *Id.* At p. 6. Cannady submitted an *Inmate/Offender Informal Resolution Form* on November 12, 2012. *Id.* at p. 6. CCA denied Cannady's request on December 21, 2012. *Id.* at p. 7. CCA advised Cannady that he had the right to file a formal grievance within five working days of receiving the denial. *Id.* Cannady did not submit a formal grievance regarding the November 8, 2012 alleged injury. *Id.*

CCA argues that Cannady failed to exhaust properly his administrative remedies as required by the Prison Litigation Reform Act. It is undisputed that Crossroads followed the grievance procedure set forth in Montana State Prison (MSP) Procedure 3.3.3. It is also undisputed that Cannady failed to comply with MSP policy as required by the Prison Litigation Reform Act because he did not submit a formal grievance. Cannady did not properly exhaust the available administrative remedies for his claims. Summary judgment is appropriate in this case.

IT IS HEREBY ORDERED:

1. Defendants' Motion for Summary Judgment (Doc. 28) is GRANTED.
2. Plaintiff's Amended Complaint (Doc. 9) is DISMISSED with prejudice.
3. The Clerk is directed to enter judgment accordingly.

DATED this 4th day of September 2014.



Brian Morris
United States District Court Judge

